IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO: 17995 of 2002

Between:

B.V.S.Chalapathi Rao S/o Late B.Radha Krishna Rao
29-7-1,V.V.Rao Street, Prakasam Road,
Suryaraopet, Vijayawada-520 002.

..... PETITIONER

AND

1 Assistant Accounts Officer, E.RO. Town Vijayawada,
Southern Power Distribution Company of Andhra Pradesh Ltd. Operation

Circle, Vijayawada.
2 The Assistant Engineer (A.A.E), Southern Power Distribution Company of

Andhra Pradesh Ltd. Operation Circle, Suryaraopet, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Certiorari or any other appropriate Writ or order or direction declaring the action of the respondents authorities in changing the category of electrical service bearing No. 1565 8914 to category -II without issuing any notice and treating the petitioner's profession as Non Domestic/Commercial activity for levy of consumption charges at commercial rate to the principal of rate as arbitrary, illegal, without jurisdiction and contrary to the principles of natural justice and direct the respondents to treat the service in question as category-I and refund or adjust the excess amount collected in respect of bill dt.1.7.2002 forthwith by quashing the communication dt: 12.9.2002 of the 2nd respondent.

Counsel for the Petitioner: MR.P.GIRISH KUMAR

Counsel for the Respondents: MR.K.N.JWALA

The Court made the following:

ORDER:

This writ petition is filed by a practicing advocate questioning the action of the respondents in changing the category of electrical service connection bearing No.1565 8914 to category-II (commercial category) without issuing any notice, as illegal and arbitrary.

It is the case of the petitioner that he is using the service connection bearing No. 1565 8914 to the portion, which is being used to run his office and as such, it cannot be categorized under category-II.

In the counter-affidavit filed on behalf of the respondents, it is stated that the said building consists two floors and in the ground floor there are two portions and the petitioner is using the first floor for residential purpose. However, it is not disputed that the ground floor portion where the service connection bearing No.1565 8914 is connected, the same is being used for the purpose of running the office of the petitioner.

This Court has already considered the said aspect in W.P.No.21912 of 1999, dated 26.08.2002, and following the judgment of the Supreme Court in **V.Sasidharan Vs. M/s Peter and Karunakar** has held that the office of an advocate is not a commercial establishment to charge electric consumption charges as per the category-II.

The subject matter of this writ petition is squarely covered by the judgment referred to supra.

In that view of the matter, the writ petition is allowed. The respondents are directed to treat the service connection bearing No.

1565 8914 as category-I and to adjust the bills that were collected from the petitioner under category-II, for the future consumption charges.

Subject to the above directions, the writ petition is allowed. No order as to costs.

_____ R.SUBHASH REDDY, J

30.06.2005

DR

That Rule nisi has been made absolute.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice, on this Thursday, the thirtieth day of June, Two thousand and five.

To

1 The Assistant Accounts Officer, E.O.R. Town, Vijayawada,
Southern Power Distribution Company of Andhra Pradesh Ltd. Operation

Circle, Vijayawada.
2 The Assistant Engineer (A.A.E), Southern Power Distribution Company of

Andhra Pradesh Ltd. Operation Circle, Suryaraopet, Vijayawada.

3 Two C.D. Copies.